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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/501,505	07/15/2004	Risto Kuosa	1503-0167PUS1	8272
2292	7590	06/29/2006	EXAMINER	
BIRCH STEWART KOLASCH & BIRCH PO BOX 747 FALLS CHURCH, VA 22040-0747			GRAHAM, MARK S	
			ART UNIT	PAPER NUMBER
			3711	

DATE MAILED: 06/29/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

10/501,505

Applicant(s)

KUOSA, RISTO

Examiner

Mark S. Graham

Art Unit

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 27 April 2006.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 12-32 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 12-32 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 27 April 2006 is/are: a) ☐ accepted or b) ☒ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date _____
- 4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: _____

The indicated allowability of claims 21-32 is withdrawn in view of a review of the reference(s) to Kuhn and Fosseen. Rejections based on these cited reference(s) follow.

The drawings are objected to because the drawings 1a and 1b are of such a nature that the individual details cannot be differentiated when viewing the drawings. It appears that the drawings are a bad photocopy of a photograph of the device. The 4/27/06 drawings are worse than those originally submitted. Corrected drawing sheets in compliance with 37 CFR 1.121(d) are required in reply to the Office action to avoid abandonment of the application. Any amended replacement drawing sheet should include all of the figures appearing on the immediate prior version of the sheet, even if only one figure is being amended. The figure or figure number of an amended drawing should not be labeled as "amended." If a drawing figure is to be canceled, the appropriate figure must be removed from the replacement sheet, and where necessary, the remaining figures must be renumbered and appropriate changes made to the brief description of the several views of the drawings for consistency. Additional replacement sheets may be necessary to show the renumbering of the remaining figures. Each drawing sheet submitted after the filing date of an application must be labeled in the top margin as either "Replacement Sheet" or "New Sheet" pursuant to 37 CFR 1.121(d). If the changes are not accepted by the examiner, the applicant will be notified and informed of any required corrective action in the next Office action. The objection to the drawings will not be held in abeyance.

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

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(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claims 12-16, 19-29 and 32 are rejected under 35 U.S.C. 103(a) as being unpatentable over Kuhn in view of Fosseen.

Kuhn discloses the claimed device with the exception of the type of "lifter part" used to upright the target. Kuhn discloses "lifter device" 102 and "lifter part" 126. Kuhn's lifter part comprises a number of moving parts linked to the action of a cam. As disclosed by Fosseen it is known in the art when using a "lifter device" and "lifter part" to use a simple fixed "lifter part" 56 in conjunction with the "lifter device" 22. It would have been obvious to one of ordinary skill in the art, in view of Fosseen's disclosure, to have used such a simple fixed "lifter part" as Kuhn's lifter part as well to simplify the device and reduce the possibility of problems with the moving parts of Kuhn's lifter part.

Regarding claims 13, 14, 23, and 24, Kuhn obviates the claimed device as explained above with the exception of the sensor. However, as disclosed by Fosseen it is known in the art to use sensors on such targets. It would have been obvious to one of ordinary skill in the art to have included such on Kuhn's target as well to automate it.

Concerning claim 19, elements 74 and 86 may be considered the levers.

Regarding claims 20, and 28, although Kuhn states that his device is lightweight he does not comment on its portability or specifically state that each part is portable by a single person. However, it would have been obvious to one of ordinary skill in the art that Kuhn's modular target (fastened together with nuts and bolts) could have been made as portable as claimed if it was desired to transport it easily. The fact that a

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claimed device is portable or movable is not sufficient by itself to patentably distinguish over an otherwise old device unless there are new or unexpected results. *In re Lindberg*, 194 F.2d 732, 93 USPQ 23 (CCPA 1952).

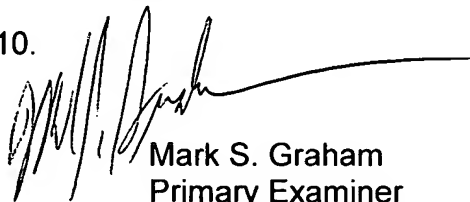
Claims 17, 18, 30, and 31 are rejected under 35 U.S.C. 103(a) as being unpatentable over the art as applied to claims 12 and 21 above, and further in view of Pidde.

Kuhn in view of Fosseen discloses the claimed device with the exception of the protective plate. However, as disclosed by Pidde, such (7) are known in the art. It would have been obvious to one of ordinary skill in the art to have included such with Kuhn's device to protect the operating elements of the device and to hide the target plate when it was down.

Applicant's arguments with respect to claims 12-32 have been considered but are moot in view of the new ground(s) of rejection.

Any inquiry concerning this communication should be directed to Mark S. Graham at telephone number 571-272-4410.

MSG
6/23/06



Mark S. Graham
Primary Examiner
Art Unit 3711